

Declaration, Power Of Attorney and Petition

Page 1 of 3

WE (I) the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

PREVENTION OF Bt RESISTANCE DEVELOPMENT

the specification of which

☒ is attached hereto.

☐ was filed on _____ as

Application Serial No. _____

and amended on _____.

☒ was filed as PCT international application

Number PCT/EP 90/00905

on May 30, 1990,

and was amended under PCT Article 19

on _____ (if applicable).

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information material to the examination of this application in accordance with Section 1.56(a) of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under Section 119 of Title 35 United States Code, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Application No.	Country	Day/Month/Year	Priority Claimed
<u>89401499.2</u>	<u>UNITED KINGDOM</u>	<u>31/05/1989</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

We (I) hereby claim the benefit under Section 120 of Title 35 United States Code, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Section 112 of Title 35 United States Code, We (I) acknowledge the duty to disclose material information as defined in Section 1.56(a) of Title 37 Code of Federal Regulations, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (pending, patented, abandoned)
<u>PCT/EP 90/00905</u>	<u>MAY 30, 1990</u>	

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

William L. Mathis	17,337	Norman H. Stepano	22,716	Robert G. Muka	28,531
Peter H. Smolka	15,913	Ronald L. Grudzecki	24,970	George A. Movanel, Jr.	28,223
Robert S. Swecker	19,885	Frederick G. Michaud, Jr.	26,003	James A. LaBarre	28,632
Platon N. Mandros	22,124	Alan E. Kopecki	25,813	E. Joseph Goss	28,510
Benton S. Duffen, Jr.	22,030	Regis E. Sloner	26,999	David D. Reynolds	29,273
Joseph R. Magnone	24,239	Samuel C. Miller, III	27,360	R. Danny Huntington	27,903
Joel M. Freed	25,101	Ralph L. Freeland, Jr.	16,110		

and:

Address all correspondence to:

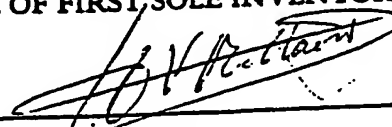
Burns, Doane, Swecker & Mathis
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Alexandria, Virginia 22313-1404

Address all telephone calls to:

at (703) 836-6620.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

VAN MELLAERT Herman
NAME OF FIRST SOLE INVENTOR


Signature of Inventor

26/11/90
Date

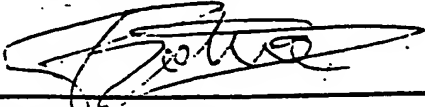
Residence: Wilselsesteenweg 19
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Citizenship: Belgian

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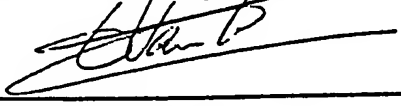
DOCKETED
filed 10/22/90

BOTTERMAN Johan
NAME OF SECOND JOINT INVENTOR


Signature of Inventor

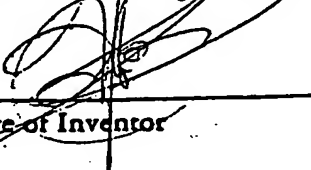
26/11/1990
Date

VAN RIE Jeroen
NAME OF THIRD JOINT INVENTOR


Signature of Inventor

Nov. 26, 1990
Date

JOOS Henk
NAME OF FOURTH JOINT INVENTOR


Signature of Inventor

26 Novembre 1990
Date

NAME OF FIFTH JOINT INVENTOR

Signature of Inventor

Date

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Citizenship: Belgian

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Residence: _____

Citizenship: _____

Post Office Address: _____

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Herman VAN MELLAERT et al.)	Group Art Unit: 1638
)	
Application No.: 09/661,016)	Examiner: Anne R. Kubelik
)	
Filed: September 13, 2000)	
)	
For: RECOMBINANT PLANT EXPRESSING)	
NON-COMPETITIVELY BINDING Bt)	
INSECTICIDAL CRYSTAL PROTEINS)	
)	

DECLARATION PURSUANT TO
37 C.F.R. §§1.821-1.825

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

I, Malcolm K. McGowan, declare as follows:

1. That the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. §1.821(c) and (e), respectively, are the same in compliance with §1.821(f).
2. That the submission, filed in accordance with 37 C.F.R. §1.821(g) [or (h)], herein does not include new matter [or go beyond the disclosure in the international application].

9-26-03 *CRM*

(05/03)

3. That the substitute copy of the computer readable form,
submitted in accordance with 37 C.F.R. §1.825(d), is
identical to that originally filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

26 September 2003
Date

Malcolm K. McGowan
Malcolm K. McGowan, Ph.D.
Registration No. 39,300